

CORRIGENDUM

The name of the village Lohari published,—vide Notification No. 28RA/640/72, dated 4th April, 1972, may kindly be read as Lohari Tiba.

(Sd.)

Superintending Engineer,
Jind Circle, P.W.D., B. & R. Branch,
Jind.

LABOUR DEPARTMENT

The 26th April, 1974

No. 3535-4Lab-74/12948.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Globe Steels, Mathura Road, Ballabgarh.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 182 of 1973

between

SHRI SHAM SUNDER GOSAIN WORKMAN AND THE MANAGEMENT OF M/S GLOBE STEELS,
MATHURA ROAD, BALLABGARH

Present :

Nemo for the workman.

Shri H.R. Dua assisted by Shri O.P. Gupta for the management.

AWARD

Shri Sham Sunder Gosain was in the service of M/s. Globe Steels, Mathura Road, Ballabgarh. The management allegedly terminated his services without any justification. This gave rise to an industrial dispute and the Governor of Haryana in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 referred the above dispute for adjudication to this Tribunal,—vide Order No. ID/FD/73/4229, dated 31st October, 1973, with the following terms of reference:—

Whether the termination of services of Shri Sham Sunder Gosain was justified and in order ?
If not, to what relief is he entitled ?

Usual notices were given to the parties. The workman concerned is not taking any interest in the proceedings. The management has pleaded that he had been rendered surplus for want of work in the factory along with another worker Shri Jagdish Parshad. Both were duly retrenched and as such Shri Sham Sunder Gosain is not entitled to any relief.

In support of the above plea, the management has examined Shri O. P. Gupta, Head Time Keeper who has produced documents Ex. M-1 to Ex. M-7. A perusal of which would show that the retrenchment notice was given to this workman and intimation of the same was sent to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh along with the statement of reasons. The retrenchment compensation payable to the workman was assessed at Rs. 1,073.65 inclusive of his wages for 22½ days of June 1973, notice pay for one month, wages for earned leave for 16 days, service compensation equal to wages for 1½ months, his total service being 3 years, after deducting provident fund and E.S.I. contributions. This amount was offered to him but he refused to accept the same.

From the statement of Shri O. P. Gupta, it is further clear that both the workmen who were brought under retrenchment were junior most and no fresh recruitments have been made thereafter. The other workman retrenched, namely Shri Jagdish Parshad has not raised any dispute and has received his dues without any protest.

In view of the above, the claim of the workman concerned Shri Sham Sunder Gosain, to question the termination of his services by the management, which has been brought about by way of retrenchment in accordance with the requirements of law, does not appear to be well-founded and apparently for that reason he is not coming forward to pursue his case.

For the reasons aforesaid, the issue involved is decided against the workman. He would, of course, be entitled to receive the retrenchment compensation Rs. 1073.65 as admitted by the management on any working day during working hours. The award is made accordingly. There shall be no order as to costs.

The 10th April, 1974

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 357, dated 15th April, 1974.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 10th April, 1974.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 3534-4Lab-74/12950.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad, in respect of the dispute between the workman and the management of M/s Lakshmi Rattan Engineering Works, Ltd., N.I.T., Faridabad :—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 137 of 1973

between

SHRI PADAM BAHADUR WORKMAN AND THE MANAGEMENT OF M/S LAKSHMI
RATTAN ENGINEERING WORKS, LTD., INDUSTRIAL AREA, N. I. T.,
FARIDABAD

Present.—

Shri H. R. Dua, for the workman.

Shri R. O. Sharma, for the management.

AWARD

By order No. ID/FD/73/33224, dated 20th July, 1973 of the Governor of Haryana the following dispute between the management of M/s Lakshmi Rattan Engineering Works Ltd, Industrial Area, N. I. T., Faridabad and its workman Shri Padam Bahadur was referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Padam Bahadur is justified and in order ? If not, to what relief is he entitled ?

The parties have put in their respective written statements. It is, however, not necessary to go into the merits of the case as an amicable settlement has been arrived at between the parties and their statements have been recorded.

It transpires that Shri Padam Bahadur workman concerned had met with an accident in the course of his employment resulting into the loss of both of his legs. He is admittedly incapable of performing his duties as a Watchman. The management has paid his entire dues, wages, bonus etc. but he had pressed for the payment of the gratuity amount taking into consideration the length of his service. It is common ground between the parties that his services had been terminated by the management before the Payment of Gratuity Act of 1972 came into force on 16th September, 1972, and that being so, his claim for gratuity is not well founded. However, the management has agreed to pay to him a sum of Rs. 1000/- on compassionate ground by way of ex-gratia payment within 15 days from today and he is required to vacate the quarter of the company still under his occupation to which he has agreed. He had also moved an application under section 33(C)(2) for computation of the amount of gratuity due to him which is pending before the Labour Court and under the settlement now arrived at between the parties that application has also to be withdrawn by the workman.

In view of the above, no further proceedings are called for in the case and the award is given in terms of the above settlement arrived at between the parties. The management shall pay Rs. 1000/- to the workman as exgratia payment within 15 days from today and he shall vacate the quarter of the company and also withdraw his application under section 33(C)(2) for computation of the gratuity amount which he is not legally entitled to recover from the employer, as already discussed. In the circumstances there shall be no order as to costs.

Dated 12th April, 1974.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 353, dated 15th April, 1974.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 12th April, 1974.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 3537-4Lab-74/12957.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Cure Well India Ltd., Sector 6, Faridabad:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 106 of 1972

between

SHRI M. P. GUPTA WORKMAN AND THE MANAGEMENT OF M/S CURE WELL
INDIA LTD., PLOT No. 2, SECTOR 6, FARIDABAD

Present.—

Nemo, for the workman.

Shri W. C. Sharma, for the management.

AWARD

Shri M. P. Gupta concerned workman was in the service of M/s Cure Well India Ltd., Plot No. 2, Sector No. 6, Faridabad. His services were allegedly terminated with effect from 3rd June, 1972. He raised a dispute which was referred for adjudication to this Tribunal by order No. 1D/FD/72/43115, dated the 13th December, 1972 of the Governor of Haryana in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, with the following terms of reference.

Whether the termination of services of Shri M. P. Gupta was justified and in order?
If not, to what relief is he entitled?

The workman has not come forward to file any statement of claim and pursue his case. On the other hand the management has pleaded full and final settlement.

Statement of Shri W. C. Sharma, authorised representative, of the management has been recorded. He has deposed that this workman had remained in service only for a few months from 1st February, 1972 to 3rd June, 1972 and had then abandoned service of his own accord by remaining absent from duty without any permission. He has further stated that he had moved an application before the Authority under the Payment of Wages Act for the payment of his dues and authorised Shri Hari Singh Yadav to represent him in the proceeding where a settlement was arrived at and a sum of Rs 72 was paid to the workman through Cheque No. 154 on the State Bank of India, Delhi and a sum of Rs 15 awarded by the Authority as compensation was paid to him in the Court. He has proved the copy of the letter of authority in favour of Shri Hari Singh Yadav Ex. M-1, copy of the proceedings before the authority under the Payment of Wages Act with regard to the above settlement Ex. M-2 and a copy of the letter earlier written to the authority regarding the absence from duty and abandonment of service by the workman Ex. M-3.

The original Bank Statement containing the entries of the Cheque for Rs 72 referred to above has also been shown.

Taking into consideration the facts of the case as discussed above, I am satisfied that the workman concerned has settled his dispute with the management and that is why he is not coming forward to pursue his case. In the circumstances, he is entitled to any relief by way of reinstatement or payment of backdues. The award is made accordingly. There shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 12th April, 1974.

No. 352, dated 15th April, 1974

Forwarded (four copies) to the Secretary to Government, Haryana. Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated, the 12th April, 1974.

No. 3538-4Lab-74/12959.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Haryana Ispat (P) Ltd., Sector 24, Faridabad:—

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 199 of 1973

between

SHRI GIRJA SHANKER WORKMEN AND THE MANAGEMENT OF M/S HARYANA
ISPAT (P) LTD., PLOT NO. 81, SECTOR 24, FARIDABAD.

Present.—

Shri Sunhari Lal, for the workman.

Shri D. C. Bhardwaj, for the management.

AWARD

Shri Girja Shanker workman concerned was in the service of M/s Haryana Ispat Private Limited. Plot No. 81, Sector—24, Faridabad. The management allegedly terminated his services without assigning any reason with effect from 26th July, 1973. This gave rise to an industrial dispute.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the above dispute for adjudication to this Tribunal,—*vide* order No. ID/FD/73/45460, dated 4th December, 1973 with the following terms reference:—

Whether the termination of services of Shri Girja Shanker was justified and in order ? If not, what relief is he entitled ?

The parties were called upon to put in their respective written statements. A settlement has been arrived at. Their statements have been recorded, as per settlement dated 22nd March, 1974 copy Exhibit M.I. The management has agreed to pay Rs. 200/- to the workman concerned in full and final settlement of his entire claim including the right of reinstatement or re-employment. This has been admitted on behalf of the workman by his authorised representative Shri Sunhari Lal who is also a signatory to the settlement.

In view of the above, no further proceedings are called for in the case and the award is made in terms of the above settlement. Shri Girja Shanker concerned workman will be entitled to receive payment of Rs 200/- from the management on any working day during working hours and full and final settlement of his entire claim including his re-employment and re-instatement. There shall be no order as to costs

Dated the 12th April, 1974.

O.P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 356, dated the 15th April, 1974

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

Dated the 12th April, 1974.

O.P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 1st May, 1974

No. 3632-4Lab-74/14469.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Sat Narain Mahabir Parshad Mittal, Misthan Bhandar (Sweets Shop), Dadri :—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 11 of 1974

between

SHRI NANU SINGH AND THE MANAGEMENT OF M/S SAT NARAIN MAHABIR PARSHAD
MITTAL, MISTHAN BHANDAR (SWEETS SHOP) DADRI

Present.—

Shri Bhim Sain, for the workman.

Shri Sat Narain, for the management.

AWARD

By order No. ID/HSR/124-A-74/4149-53, dated 19th February, 1974 of the Governor of Haryana, the following dispute between the management of M/s Sat Narain Mahabir Parshad Mittal, Misthan Bhandar (Sweets Shop), Dadri and its workman Shri Nanu Singh was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Nanu Singh was justified and in order ? If not, to what relief is he entitled ?”

Usual notices were given to the parties who have arrived at an amicable settlement. Their statements have been recorded. According to the statement made by Shri Sat Narain Proprietor, the workman had approached him for the settlement of his account and after checking the records a sum of Rs. 1,300/- was paid to him, in full and final settlement of his entire claims against the management including the right of reinstatement or re-employment. The workman admits the receipt of the said amount by way of his full dues and has further foregone his right of reinstatement or re-employment.

In view of the above, no further proceedings are called for in the case and the award is made in terms of the above settlement holding that the workman is not entitled to any other relief by way of reinstatement or payment of back wages. There shall be no order as to costs.

Dated the 17th April, 1974.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 924, dated 19th April, 1974.

Forwarded, (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh as required by section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.